winter convention, be extended the Gandy privileges of the floor of the House of Representatives; and be it further Goodm

Resolved, That a copy of this resolution be mailed to the officers of the Texas Press Association and to the Texas Press Messenger, the official organ of the Texas Press Association.

MONTGOMERY, HUDDLESTON.

The resolution was read second time and was adopted.

ADJOURNMENT

On motion of Mr. Anderson the House at 12:05 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

TENTH DAY

(Tuesday, Jaunary 28, 1941)

The House met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker Chambers Allen Clark Allison Cleveland Alsup Coker Anderson Colson, Mrs. Avant Connelly Bailey Craig Baker Crossley Bean Crosthwait Bell Daniel Benton Davis Blankenship Deen Boone Dickson of Bexar Brawner Dickson of Nolan Bray Donald Bridgers Dove Brown Duckett Bruhl Dwyer Bullock Ellis Bundy Eubank Burkett Evans Burnaman Favors Carlton Ferguson Carrington Files Cato Fitzgerald Celaya Fuchs

Manford Garland Manning Gilmer Markle Goodman Martin Halsey Matthews Hanna Mills Hardeman Montgomery Hargis Moore Harris of Dallas Morgan Harris of Hill Morris Hartzog Morse Heflin Murray Helpinstill Nicholson Henderson Pace Parker Hileman Hobbs Pevehouse Howard Phillips Howington Price Rampy Hoyo Huddleston Reed of Bowie Reed of Dallas Huffman Hughes Ridgeway Humphrey Roark Hutchinson Roberts Isaacks Rhodes Jones Sallas Senterfitt Kelly Kennedy Sharpe Kersey Shell Kinard Simpson King Skiles Klingeman Smith of Bastrop Knight Smith of Atascosa Lansberry Spacek Lehman Spangler Leyendecker Stanford Little Stinson Lock Stubbs Love Taylor Lowry Turner Lucas Vale Lyle Voigt Walters McCann McDonald Wattner McGlasson Weatherford McAlister White McLellan Whitesides McMurry \mathbf{W} infree McNamara

Absent—Excused

Thornton

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, the invitation is in Thy Word, 'If any man lack wisdom let him ask of God, Who giveth to all men liberally and upbraideth not.' May we individually and collectively

feel our need of Thy direction and Thy help, and in Thy grace bless each one as Thou seest he needs. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Thornton for today on motion of Mr. Lowry.

MESSAGE FROM THE SENATE

Austin, Texas, January 27, 1941. Hon. Homer Leonard, Speaker of the House.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 5, Requesting the Federal Government to give financial assistance to school districts near defense training centers.

Passed

S. B. No. 29, A bill to be entitled "An Act to amend the subject matter embraced in Section 7, Chapter 482, General and Special Laws of the 44th Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, 45th Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, 46th Legislature, Regular Session, etc., and declaring an emergency."

Adopted

- S. C. R. No. 3, In memory of Honorable Charles Mapes Cureton.
- S. C. R. No. 6, Authorizing the Highway Department to lend discarded wire to the City of Vernon.
- S. C. R. No. 7, Authorizing the State Highway Department to lend guard wire to the Iowa Park Independent School District.

Respectfully,

BOB BARKER, Secretary of the Senate.

HOUSE BILLS ON FIRST READING

The following House bills introduced today were laid before the House, read severally first time, and referred to the appropriate committees, as follows: By Mr. Alsup:

H. B. No. 151, A bill to be entitled "An Act defining the jurisdiction of the County Court of Panola County and diminishing its civil jurisdiction; providing that the District Court of Panola County shall have jurisdiction in all civil matters over which by law the County Court would have jurisdiction; providing for the transfer of civil causes from the County Court to the District Court of Panola County; providing for the repeal of all laws in conflict therewith; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Celaya:

H. B. No. 152, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds, providing method of paying and securing such bonds, enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds, authorizing proceedings under the Municipal Bankruptcy Act, making this Act cumulative of other laws, providing that it shall take precedence over other laws, general or special, and all charter provisions in conflict or inconsistent herewith; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Hanna and Mr. Morgan:

H. B. No. 153, A bill to be entitled "An Act, regulating the possession of the carcass of deer or part of same; the storage of same; repealing conflicting laws; providing a suitable penalty for violation of this Act and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Stanford:

H. B. No. 154, A bill to be entitled "An Act to amend Section 24, Chapter 241, H. B. 755, Acts of the Regular Session of the 44th Legislature, by adding a new paragraph to said Section 24, to be known as Subsection (c); directing the Treasurer to promulgate rules and regulations

providing for the exchange or replacement of new stamps for any stamps affixed to any package of cigarettes undercertain circumstances. and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Stanford:

H. B. No. 155, A bill to be entitled "An Act making it unlawful for any officer, teacher or other person connected with any school or institution of learning in this State, supported in whole or in part by the State, to issue or grant to any student graduating from such school a diploma or certificate of graduation unless such student shall at the time be able to recite and repeat from memory the preamble of and the first ten amendments to the Constitution of the United States; fixing a penalty, and declaring an emergency."

Referred to the Committee on Education.

By Mr. McAlister:

H. B. No. 156, A bill to be entitled "An Act amending Section 6, Chapter 465, Acts of the 44th Legislature, Second Called Session, by prothat apportionment to respective counties of the State for the benefit of its officers salary fund shall be on the basis of fourteen cents per capita according to the last preceding Federal Census and declaring an emergency."

Referred to the Committee on Counties.

By Mr. McAlister:

H. B. No. 157, A bill to be entitled "An Act amending Section 15 of Chapter 16, Acts of the 44th Legislature, Regular Session, by providing for the payment of certain traveling and other necessary expenses, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. McAlister:

H. B. No. 158, A bill to be entitled "An Act making an appropriation to the Comptroller of Public Ac-

counties of Texas under the terms and provisions of subdivision (b) of Section 13, Chapter 465, Acts of the 44th Legislature, Second Called Session; and declaring an emergency.

Referred to the Committee on Appropriations.

By Mr. Manford:

H. B. No. 159, A bill to be entitled Act relating to marks and brands of live stock in Gonzales County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new section requiring that in said county each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said county; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six(6)months only the records made after this Act shall be effective and considered the recorded marks brands in said county; and further providing that the County Clerk of said county shall publish this Act in some newspaper in general circulation in the county for a period of thirty (30) days; and declaring an emergency."

Referred to the Committee on Live Stock and Stock Raising.

By Mr. Ellis:

H. B. No. 160, A bill to be entitled "An Act to amend the subject matter embraced in Article 827a, Section 3, Vernon's Revised Civil Statutes, 1925, as amended Acts 1931, Forty-second Legislature, page 507, Chapter 282, Section 3; amending Article 827a, Section 5, Vernon's Revised Civil Statutes, 1925, as amended Acts 1931, Forty-second Legislature, page 507, Chapter 282, counts to be apportioned to the Section 5; and providing for the effective date of the Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Parker:

H. B. No. 161, A bill to be entitled "An Act to amend subdivision 90 of Article 199 of the Revised Statutes of the State of Texas, 1925, so as to change the time and terms of holding the terms of the District Court of Stephens County, providing that Stephens and Young Counties shall constitute the 90th Judicial District, fixing the terms and time for holding court in Stephens and Counties, prescribing Young powers and duties of the 90th District Court, and providing for the transfer of cases from the 30th Judicial District Court to the 90th Judicial District of Young County, and from the 90th District Court in Young County to the 30th District Court in Young County, providing for District Clerks in Stephens and Young Counties, and their successors in office to be clerks of said 30th District Court and 90th District Court in their respective counties, validating all processes, bonds and writs issued and served before the taking effect of this Act, including recognizances and bonds, and makthem returnable to the next terms of court in said counties and district fixed herein, to validate the summoning of grand and petit juries under the present law so as to render them available in said counties under the Act, providing that if any section of this Act be held unconstitutional or invalid for any reason the same shall not impair or affect the remaining sections or provisions, and declaring an emergency.'

Referred to the Committee on Judicial Districts.

By Mr. Bridgers:

H. B. No. 162, A bill to be entitled "An Act to amend Chapter 21, Title 78, by adding a new article to Chapter 21 to be numbered Article 5046a to prescribe a uniform or standard form of proof of death in claims for

the payment of life insurance; directing the Life Insurance Commissioner to prescribe such form, or to approve such forms, at his option, as may be submitted to him by life insurance companies if and when such forms are substantially what are known as the standard form for submitting life insurance claims, and prohibiting the use by life insurance companies of forms not prescribed by or approved by the Life Insurance Commissioner, and providing penalties for the violation of this Article."

Referred to the Committee on Insurance.

By Mr. Burkett, Mr. Crossley and Mr. Baker:

H. B. No. 163, A bill to be entitled "An Act making it a penal offense for any person, agent and/or attorney, knowingly, to make any false statement or report in writing to any department in this State regarding the allowables of oil and/or gas for the purpose of allocating and/or increasing said allowables; defining a dead well; making Act cumulative, and providing that any statement so made shall constitute a felony, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. Favors:

H. B. No. 164, A bill to be entitled "An Act amending Article 727 of the Code of Criminal Procedure of Texas of 1925, so as to provide for the taking of confessions before the County Judge and the County Attorney in any county where venue lies; and to be witnessed by the County Judge and County Attorney; and the defendant to be warned by the County Judge in the presence of the County Attorney; and eliminating that provision providing for the defendant to make his mark if witnessed by some person other than a peace officer; and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Lyle:

H. B. No. 165, A bill to be entitled

"An Act granting to the City of Corpus Christi, Texas, all right, title and interest of the State of Texas to certain land hitherto submerged by the waters of Corpus Christi Bay; ratifying and confirming exchanges and conveyances of property within the area of certain private owners; reserving the minerals unto the State; declaring that the Act shall be cumulative of former grants and authorities; and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Kinard and Mr. Bullock:

H. B. No. 166, A bill to be entitled "An Act to amend Articles 4557, 4558, 4559, 4561, 4562, Title 71, of the Revised Civil Statutes of Texas, 1925, requiring all persons desiring to practice optometry in Texas to pass an examination; repealing all laws or parts of laws in conflict with this Act; declaring that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency.'

Referred to the Committee on Public Health.

By Mr. McCann and Mr. Gandy:

H. B. No. 167, A bill to be entitled "An Act abolishing the positions of Executive Director and Chief Auditor of the Texas Old Age Assistance Commission, and further abolishing all positions in connection with the local county administration of the Old Age Assistance Act; providing for a Chief Clerk of the Texas Old Age Assistance Commission, with such clerical and stenographic assistance as is necessary, and for the salaries thereof; providing that the local county administration of the Old Age Assistance Act shall be taken over by the County Judge and the Commissioners' Court of each county; providing for the allocation of State and Federal funds to persons eligible for old age assistance, and defining such eligibility; and directing that respect, courtesy, and consideration be extended to every aged person applying for assistance; and providing further that all laws or any part thereof in conflict with these provisions be and are hereby "An Act amending Chapter 39, Acts

expressly repealed; and declaring an emergency.'

Referred to the Committee on State Affairs.

By Mr. Dickson of Bexar:

H. B. No. 168, A bill to be entitled "An Act repealing Articles 618 and 619 of the Code of Criminal Procedure of Texas of 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Manning:

H. B. No. 169, A bill to be entitled "An Act amending Article 7046, Revised Civil Statutes of Texas, 1925, to exempt from the payment of a poll tax all ex-service men who have served in previous wars and who hold an honorable discharge from the United States Army or Navy, or from any armed forces of the United States."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Manning:

H. B. No. 170, A bill to be entitled. "An Act amending Article 2959, Revised Civil Statutes of Texas, 1925, to exempt from the payment of a poll tax all ex-service men who have served in previous wars and who hold an honorable discharge from the United States Army or Navy, or from any armed forces of the United States."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Manning:

H. B. No. 171, A bill to be entitled "An Act amending Article 2960, Revised Civil Statutes of Texas, 1925, to exempt from the payment of a poll tax all ex-service men who have served in previous wars and who hold an honorable discharge from the United States Army or Navy, or from any armed forces of the United States."

Referred to the committee on Privileges, Suffrage and Elections.

By Mr. Manning:

H. B. No. 172, A bill to be entitled

of the 42nd Legislature, First C. S., titled Shelby County, such as the qualifications and salary of the Rural Supervisor for said county shall be set and the salary paid out of the available school funds of said county."

Referred to the Committee on Education.

By Mr. Kersey and Mr. Crossley:

H. B. No. 173, A bill to be entitled "An Act levying a tax upon every person, firm, corporation, or association of persons, doing domestic or intrastate business within the State and engaging in the business of selling, manufacturing, purchasing, consigning, using, shipping, or distributing for the purpose of sale within this State any of the following articles or things, viz.: soda water, ginger ale, Coca-Cola, Lime Cola, Pepsi-Cola, Dr. Pepper, and/or any and all bottled preparations commonly referred to as soft drinks, and all fountain drinks or other and things commonly beverages known as soft drinks, carbonic acid gas, carbon dioxide (CO2), or other chemical or gas which is used, intended to be used, or may be used for the carbonization of the beverages or drinks herein enumerated; fixing the liability for and prescribing the method of collecting and enforcing the payment of such tax; making an appropriation; allocating the revenues derived from such tax; providing penalties for the violation of this Act; and repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Roark:

H. B. No. 174, A bill to be entitled "An Act to determine the facts and public policy concerning the making of loans of Five Hundred Dollars or less; to define and regulate the business of making loans in the amount of Five Hundred Dollars or less; to permit the licensing of persons engaged in such business; to prescribe interest and to define, authorize, and limit charges which licensees may contract for and receive in addition to interest and to define the manner and terms by

which such charges may be contracted for, computed, and taken by licensees; to place the burden of proof in establishing the nature of such charges; to regulate assignments of wages or salaries, earned or to be earned, when given as security for any such loan or as consideration for a payment of Five Hundred Dollars or less; to provide for the administration of this Act and for the issuance of rules and regulations therefor; to authorize the making of examinations and investigations and the publication of reports therefor to provide for a review of decisions and findings of the Banking Commissioner of Texas under this Act; to prescribe special penalties; placing the administration of the Act under the Banking Commissioner, making an appropriation of Two Thousand Dollars therefor and providing that the Banking Commissioner shall be agent for service of all licensees; and to repeal Acts 1927, Fortieth Legislature, First Called Session, page 30, Chapter 17, and Article 7047, of Title 122, Sec. 14, as amended; repealing Articles 5069, 5071, 5073, Title 79, Revised Civil Statutes, to the extent that they are inconsistent with this Act; and to repeal all Acts and parts of Acts, whether general, special or local, which relate to the same subject matter as this Act, so far as they are inconsistent with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof; and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Isaacks, Mr. Celaya, Mr. Hardeman, Mr. Bell, Mr. Chambers, Mr. Leyendecker and Mr. Connelly:

H. B. No. 175, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 237, Acts of the Regular Session of the 40th Legislature, as amended by Chapter 52, Acts of the Second Called Session of the 41st Legislature, as amended by Chapter 196, Acts of the Regular Session of the 43rd Legislature, as amended by Chapter 221, Acts of the Regular

Session of the 43rd Legislature, and as amended by Chapter 6 of the Acts of the First Called Session of Legislature, by adding 43rd thereto a new article to be known as Article 2654e, providing that the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are authorized and directed to exempt five students annually from each of the other Nations of the American Continents from the payment of tuition fees; providing the method of selection of such students; prescribing qualifications of such students; empowering State Board of Education, in conjunction with the governing boards of such State institutions of higher learning, to formulate a plan and method for the selection of such students; and declaring an emergency."

Referred to the Committee on Education.

By Mr. Alsup:

H. B. No. 176, A bill to be entitled "An Act providing for the establishment of a vending stand in the Capitol Building for promoting the training and establishment of blind persons in Texas as operators of vending stands; regulating the control and use thereof; providing for the disposition of profits derived therefrom; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Avant:

H. B. No. 177, A bill to be entitled "An Act granting to Arol Kerley and W. E. Pendergrass permission and right to sue the State of Texas and the Railroad Commission of the State of Texas, for damages arising from the following claim: That on September 21st, 1940, while said parties were traveling in an automobile on the Wright City-Henderson Highway, another automobile belonging to the Railroad Commission of the State of Texas, or to the State of Texas, and operated or caused to be operated by said Railroad Commission or the State of Texas, was negligently operated into that in which said parties were riding, so as to cause injury and damage to them and to said automobile; and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Manning and Mr. Alsup:

H. B. No. 178, A bill to be entitled "An Act providing that any conveyance of any mineral or mineral interests, apart from the surface, in any land in Texas, shall not be effective or valid for a longer period than ten (10) years after the date of the execution of such conveyance, unless such mineral is produced in commercial quantities within and prior to the expiration of such ten (10) year period, providing that such mineral interests shall revert to the owner of the surface at expiration of such ten-year period if such mineral is not produced in commercial quantities within such period, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

By Mr. McNamara and Mr. Clark:

H. B. No. 179, A bill to be entitled "An Act providing for the proration theRailroad Commission of by Texas of wet gas and/or wet gas and distillate or condensate wells in the same manner as is now provided for oil wells, provided that nothing in this Act shall apply to dry gas wells and providing that all laws and parts of laws in conflict with this Act and particularly any portion of Article 6008 of Vernon's Annotated Civil Statutes of Texas that may be in conflict with this Act are hereby repealed, and declaring an emergency.'

Referred to the Committee on Oil, Gas and Mining.

By Mr. Crossley, Mr. Burkett, Mr. Donald, Mr. Hobbs, Mr. Chambers, Mr. Howington and Mr. Evans:

H. B. No. 180, A bill to be entitled "An Act prescribing punishment and fixing penalties for violations of any of the provisions of Title 8, Chapter 8, Articles 432, 434, 435 and 436 of the Penal Code of the State of

Texas, 1925, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Ferguson:

H. B. No. 181, A bill to be entitled "An Act to amend Section 4, Senate Bill No. 28, Chapter 2, of the Acts of the Regular Session of the Fortyfourth Legislature, as amended by Senate Bill No. 485, Chapter 206, of the Acts of the Regular Session of the Forty-fifth Legislature, so as to extend the time of existence of the Special District Court of Rusk Texas; and declaring an County, emergency."

Referred to the Committee on Judiciary.

By Mr. Bell:

H. B. No. 182, A bill to be entitled "An Act authorizing and empowering the Board of Regents of The University of Texas to levy a compulsory student fee for the purpose of operating, maintaining, and improving the Texas Union Building at The University of Texas, fixing the amount of said fee, and authorizing the auditor of the University of Texas to collect the same, and providing the purposes for which said fee shall be used, and placing the control of the fees in the hands of the Board of Directors of the Texas Union Building, and providing for a budget for the operation of said building, and declaring an emergency."

Referred to the Committee on Education.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions introduced today were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Spacek, Mr. Leyendecker, Mr. Bell, Mr. Lehman, Mr. Hobbs, Mr. Evans, Mr. Morse, Mr. Fuchs, McLellan, Rhodes. Mr. Bean, Mr. Kinard, Mr. Humphrey, Mr. Rampy, Mr. Lowry, Mr. SpanHoyo, Mr. Ridgeway, Mr. Nicholson and Mr. Parker:

H. J. R. No. 7, Proposing an amendment to the Constitution of the State of Texas to provide free textbooks for children of scholastic age attending any private, church, parochial school or academy, or any orphan asylum of Texas, at the election of such schools to use such textbooks.

Referred to the Committee on Constitutional Amendments.

By Mr. McAlister:

H. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas amending Section 9 of Article 8 of the Constitution of the State of Texas by providing that not exceeding ten (10¢) cents on the one hundred (\$100.00) dollar valuation in any year may be used out of any of the Constitutional Funds for the purpose of maintaing hospitals owned or operated in whole or in part by the county, and for the relief of paupers; providing for necessary publication and election, and carrying an appropriation to pay for same.

Referred to the Committee on Constitutional Amendments.

By Mr. Bridgers:

H. J. R. No. 9, Proposing an amendment to the Constitution of the State of Texas to repeal Section No. 40 of Article XVI, prohibiting the holding of more than one public office at the same time with the exception of Justice of the Peace, County Commissioner, Notary Public and Postmaster, together with exceptions as to officers of the National Guard and other branches of the Army and Navy, and to reenact said provision of the Constitution by eliminating therefrom the exception as to Justice of the Peace, County Commissioner and Postmaster, and by adding to said provision of the Constitution an inhibition against certain State officers holding a State office other than that to which they have been elected or appointed until two years shall have expired after the expiration of the term of office to which they may gler, Mr. McCann, Mr. Dwyer, Mr. have been elected or appointed, or

two years after resignation therefrom, except the office of Governor, Attorney General, Judges of Courts, Members of the Legislature, and district, county and precinct officers, and providing that nothing herein shall prevent any such officer succeeding himself in the office to which he has been elected or appointed.

Referred to the Committee on Constitutional Amendments.

ADDITIONAL SIGNERS OF HOUSE BILLS

 $\mathbf{B}\mathbf{y}$ unanimous consent of House the following Members were authorized to sign bills as coauthors of same, as follows:

Mr. Matthews: House Bill No. 106.

Mr. Carrington, Mr. Huffman, Mr. Stanford, Mrs. Colson, Mr. Clark, Mr. Phillips, Mr. Sallas, Mr. Moore, Crossley, Burkett, Mr. Chambers, Mr. Carlton, Mr. Davis and Mr. McGlasson: House Bill No. 123.

Mr. Coker: House Bill No. 60.

Mr. Allen: House Bill No. 8.

· STANDING COMMITTEES APPOINTED

The Speaker announced the appointment of the following Standing Committees:

Agriculture

Chambers, Messrs. Chairman; Fuchs, Vice Chairman; Bailey, Brawner, Deen, Donald, Evans, Miss Files, Messrs. Gandy, Garland, Hargis, Hobbs, Howington, Huddleston, Mc-Roberts, Moore, Rampy. Sharpe, Spacek and Weatherford.

Appropriations

Messrs. Reed of Dallas, Chairman; Anderson, Vice Chairman; Alsup, Allison, Bean, Bullock, Cleveland, Gilmer, Halsey, Howard, Huff-man, Kelly, Lock, McDonald, Mor-ris, Roberts, Shell, Skiles, Stanford, Vale and Walters.

Banks and Banking

Messrs. Leyendecker, Chairman; Spangler,

Boone, Clark, Mrs. Colson, Messrs. Crossley, Crosthwait, Dickson Bexar, Dickson of Nolan, Duckett, Ferguson, Miss Files, Messrs. Kinard, Lock, McDonald, McMurry, Montgomery, Pevehouse, Reed of Dallas and Roark.

Claims and Accounts

Messrs. Lehman, Chairman; Harris of Dallas, Vice Chairman; Allen, Bullock, Mrs. Colson, Mr. Connelly, Miss Files, Messrs. Leyendecker, McGlasson, Stanford and Turner.

Commerce and Manufacturers

Messrs. Lock, Chairman; Helpinstill, Vice Chairman; Allison, Bean, Craig, Davis, Evans, McLellan, Martin, Morgan and Sallas.

Common Carriers

Messrs. Howard, Chairman; Carlton, Vice Chairman; Bailey, Benton, Brawner, Brown, Burnaman, Chambers, Dove, Ellis, Gilmer, Hughes, McLellan. Jones. Mills. Morgan. Price, Sharpe, Smith of Bastrop, Spacek and Turner.

Congressional and Legislative Districts

Messrs. Kinard, Chairman; Lucas, Vice Chairman; Bell, Blankenship, Bridgers, Brown, Burkett, Dickson of Bexar, Ellis, Eubank, Halsey, Heflin, Hileman, Isaacks, Kennedy, Kersey, Lock, Lyle, Skiles, Smith of Atascosa and White.

Conservation and Reclamation

Messrs. Roberts, Chairman; Harris Hill, Vice Chairman; Avant, Burnaman, Clark, Coker, Dove, Fuchs, Garland, Helpinstill, man, Huddleston, Isaacks, Klingeman, Knight, Mills, Rampy, Rhodes, Simpson, Thornton and Walters.

Constitutional Amendments

Mr. McMurry, Chairman; Mrs. Vice Chairman; Colson. Messrs. Dickson of Bexar, Hanna, Harris of Dallas, Henderson, Howard, Hum-phrey, Lehman, Manford, Morris, McLellan, Nicholson, Pevehouse, Leyendecker, Chairman; Reed of Bowie, Rhodes, Senterfitt, Vice Chairman; Bell, Sharpe, Taylor, Turner and Voigt.

Contingent Expenses

Messrs. Alsup, Chairman; Smith of Atascosa, Vice Chairman; Donald, Gilmer and Walters.

Counties

Messrs. Montgomery, Chairman; McLellan, Vice Chairman; Brawner, Burnaman, Crosthwait, Deen, Dove, Duckett, Ellis, Harris of Hill and Helpinstill.

Criminal Jurisprudence

Messrs. Blankenship, Chairman; Dickson of Nolan, Vice Chairman; Allen, Bray, Boone, Bruhl, Coker, Favors, Heflin, Hoyo, Hughes, Kennedy, Matthews, McDonald, McGlasson, McMurry, McNamara, Murray, Price, Stinson and Thornton.

Education

Messrs. Ferguson, Chairman; Turner. Vice Chairman; Avant, Bullock, Baker, Carlton. Cato, Chambers, Connelly, Files, Miss Messrs. Hargis, Hileman, Knight, Manning, Morgan, McCann, McDonald, Sharpe, Skiles, Thornton and Wattner.

Engrossed Bills

Messrs. Bridgers, Chairman; Smith of Bastrop, Vice Chairman; Huddleston, Leyendecker and Parker.

Enrolled Bills

Messrs. Howington, Chairman; Murray, Vice Chairman; Martin, Morgan and Spacek.

Examination of Comptroller's and Treasurer's Accounts

Messrs. Cleveland, Chairman; Evans, Vice Chairman; Donald, Fitzgerald, Gandy, Hobbs, Humphrey, Lucas, Moore, Morgan and Weatherford.

Federal Relations

Mr. Burkett, Chairman; Miss Files, Vice Chairman; Messrs. Avant, Hobbs, Humphrey, Kelly, Lansberry, Martin, McCann, Nicholson and Thornton.

Game and Fisheries

Messrs. Shell, Chairman; Cleveland, Vice Chairman; Celaya, Crosthwait, Davis, Gilmer, Goodman, Harris of Hill, Hartzog, Howington, Hughes, Lansberry, McAlister, Markle, Murray, Phillips, Ridgeway, Roberts, Spangler, Vale and Weatherford.

Highways and Motor Traffic

Messrs. Little, Chairman; McDonald, Vice Chairman; Brown, Burkett, Carrington, Coker, Fuchs, Halsey, Harris of Dallas, Henderson, Howington, Hoyo, Hutchinson, Love, Lowry, McAlister, Montgomery, Reed of Bowie, Reed of Dallas, Stinson and Eubank.

Insurance

Messrs. Stinson, Chairman; Mc-Namara, Vice Chairman; Blankenship, Boone, Carrington, Mrs. Colson, Messrs. Crossley, Donald, Hardeman, Heflin, Hoyo, Kinard, Lehman, Lowry, Markle, Morris, Phillips, Roark, Simpson, Spangler and Stubbs.

Interstate Cooperation

Messrs. Bray, Chairman; Reed of Bowie, Vice Chairman; Benton, Kelly and Matthews.

Judicial Districts

Messrs. Hardeman, Chairman; Winfree, Vice Chairman; Blankenship, Dove, Ellis, Favors, Hughes, Lucas, Manford, Parker and Sallas.

Judiciary

Messrs. Gilmer, Chairman; Isaacks, Vice Chairman; Allen, Bruhl, Daniel, Dickson of Bexar, Hardeman, Howard, Hutchinson, Klingeman, Lansberry, Markle, Murray, McGlasson, Pevehouse, Price, Senterfitt, Smith of Atascosa, Stanford, Stinson and Winfree.

Labor

Messrs. Heflin, Chairman; Huddleston, Vice Chairman; Anderson, Avant, Bailey, Baker, Benton, Bridgers, Carlton, Cato, Crosthwait, Dickson of Bexar, Favors, Hardeman, Lowry, Mills, Pace, Roark, Smith of Bastrop, Stanford and Wattner.

Liquor Traffic

Messrs. Bell, Chairman; Carrington, Vice Chairman; Bruhl, Bundy, Celaya, Coker, Dwyer, Hanna, Harris of Dallas, Hartzog, Kersey, Klingeman, Leyendecker, Little, Morris, Price, Rhodes, Shell, Spacek, Vale and Winfree.

Live Stock and Stock Raising

Messrs. Dwyer, Chairman; King, Vice Chairman; Baker, Bean, Connelly, Craig, Dove, Gandy, Garland, Hobbs, Huffman, Hutchinson, Klingeman, Knight, Lansberry, Manford, Murray, Parker, Stubbs, White and Whitesides.

Local and Uncontested Bills

Messrs. Crossley, Chairman; Hanna, Vice Chairman; Alsup, Chambers, Clark, Lowry and Shell.

Military Affairs

Messis. Taylor, Chairman; Benton, Vice Chairman; Boone, Davis, Fitzgerald, Goodman, Hargis, Hughes, Matthews, Ridgeway and White.

Municipal and Private Corporations

Messrs. Nicholson, Chairman; Voigt, Vice Chairman; Bray, Brown, Bruhl, Burkett, Celaya, Dickson of Nolan, Hanna, Hartzog, Jones, Kennedy, Kersey, Lyle, McAlister, Mc-Namara, Pace, Ridgeway, Roark, Simpson and Turner.

Oil, Gas and Mining

Messrs. Clark, Chairman; Kennedy, Vice Chairman; Anderson, Bray, Bundy, Celaya, Craig, Crossley, Favors, Ferguson, Fitzgerald, Goodman, Hardeman, Hutchinson, Kinard, Lucas, Lyle, Markle, Matthews, Montgomery, Nicholson.

Penitentiaries

Messrs. Kersey, Chairman; Pevehouse, Vice Chairman; Allison, Baker, Bridgers, Connelly, Gandy, Hanna, Henderson, Howington, Hutchinson, Kelly, King, Knight, McGlasson, Manning, Phillips, Rampy, Sallas, Voigt and Whitesides.

Privileges, Suffrage and Elections

Messrs. Winfree, Chairman; Brawner, Vice Chairman; Allen, Bullock, Daniel, Deen, Eubank, Halsey, Harris of Hill, Helpinstill, Hileman, Huffman, Love, Lucas, Manning, Matthews, McLellan, Mills, Parker, Pevehouse and Thornton.

Public Health

Messrs. Vale, Chairman; Roark, Vice Chairman; Anderson, Bell, Bray, Cato, Cleveland, Duckett, Ellis, Ferguson, Hargis, Heflin, Jones, Klingeman, Love, Martin, Price, Ridgeway, Simpson, Wattner and Whitesides.

Public Lands and Buildings

Messrs. Smith of Atascosa, Chairman; Daniel, Vice Chairman; Bean, Deen, Dwyer, Eubank, Hoyo, Huffman, Isaacks, Jones, Little, Markle, McCann, Rampy, Sallas, Senterfitt, Smith of Bastrop, Spangler, Stanford, Stubbs and White.

Public Printing

Messrs. Bailey, Chairman; Sharpe, Vice Chairman; Brawner, Burnaman, Cato, Evans, Gandy, Roberts, Smith of Bastrop, Stubbs and Taylor.

Representation Before the Legislature

Messrs. Rhodes, Chairman; Pace, Vice Chairman; Simpson, Walters and White.

Revenue and Taxation

Messrs. Hartzog, Chairman; Taylor, Vice Chairman; Bell, Bundy, Carrington, Daniel, Dickson of Nolan, Duckett, Harris of Dallas, Hoyo, Kersey, Lehman, Little, Lyle, Manford, Montgomery, Nicholson, Pace, Phillips, Reed of Bowie and Spangler.

Rules

Messrs. Morris, Chairman; Goodman, Vice Chairman; Alsup, Crosthwait and Reed of Dallas.

School Districts

Messrs. Skiles, Chairman; Eubank, Vice Chairman; Burnaman, Craig, Deen, Hargis, Helpinstill, Manning, Mills, Parker and Wattner.

State Affairs

Messrs. Celaya, Chairman; McAlister, Vice Chairman; Allen, Bailey, Blankenship, Boone, Brown, Carlton, Mrs. Colson, Messrs. Dwyer, Fuchs, Henderson, Humphrey, King, Leyendecker, McMurry, McNamara, Moore, Smith of Atascosa, Voigt and Winfree.

State Eleemosynary and Reformatory Institutions

Messrs. Bundy, Chairman; Moore, Vice Chairman; Allison, Burkett, Davis, Evans, Fitzgerald, Garland, Hobbs, Huddleston, Humphrey, King, Lehman, Love, McGlasson, Rampy, Ridgeway, Senterfitt, Stubbs, Weatherford and Whitesides.

RELATIVE TO RESOLUTION PERIOD

On motion of Mr. Alsup the House dispensed with the consideration of resolutions at this time for the purpose of considering the Permanent Rules of the House.

ADOPTION OF PERMANENT RULES OF THE HOUSE

Mr. Alsup then submitted for consideration at this time and recommended the adoption of, the Rules as recommended by the committee appointed pursuant to H. S. R. No. 337 of the Forty-sixth Legislature to revise the Rules of the House. (The report having heretofore been printed in pamphlet form.)

The House agreed to consider the report Rule by Rule.

(Pending consideration of the report, Mr. Burkett occupied the Chair temporarily.)

(Speaker in the Chair.)

By unanimous consent of the House Rule No. I of the report was adopted.

Mr. Alsup offered the following amendment to Rule II of the report:

Amend the Temporary Rules by striking out Rule II thereof, and

inserting in lieu thereof Rule II of the Rules of the Forty-fifth Legislature.

Mr. Morris moved to table the amendment by Mr. Alsup.

The motion to table prevailed.

Question then recurring on Rule II of the report, it was adopted.

Question recurring on Rule III of the report, it was adopted.

Mr. Alsup offered the following amendment to Rule IV of the report:

Amend the proposed Rules by striking out Section 5 and Section 6 of Rule 4, and inserting in lieu thereof Section 5 and Section 6 of Rule IV of the Rules of the Fortyfifth Legislature.

The amendment was adopted.

Question then recurring on Rule IV of the report, as amended, it was adopted.

Question recurring on Rule V and Rule, VI of the report, they were severally adopted.

Mr. Alsup offered the following amendment to Rule VII of the report:

Amend the proposed Rules by striking out Rule VII, Of Committees, and inserting in lieu thereof Rule VIII of the Rules of the Fortyfifth Legislature.

Mr. Turner raised a point of order on consideration of the amendment at this time, on the ground that the committee report is not subject to amendments.

The Speaker overruled the point of order.

The amendment was then adopted.

Mr. Montgomery offered the following amendment to Rule VII of the report:

Amend House Rule No. 7, Section 3, by changing same to read as follows: Section 3, Judiciary and Uniform State Laws.

"Twenty-one Members, with jurisdiction over all matters of civil law, rights, duties, remedies and procedure not assigned to other commit-

tees, and with jurisdiction over all matters relating to civil procedure in the courts of the State, and proposed uniform State Laws."

MONTGOMERY, MORSE.

The amendment was adopted.

Rule VII of the report, as amended. was then adopted.

Mr. Morse offered the following amendment to Rule VIII of the report:

Amend Rule 8, Section 4, by striking out the words "and before any other matter is considered by the Committee," and substituting in lieu thereof the following: "and before the next recess or adjournment of the Committee."

The amendment was adopted.

Mr. Love offered the following amendment to Rule VIII of the report:

Amend Section 8, of Rule 8, Paragraph 2, by substituting the word "majority" in lieu of the word "two-thirds" in the phrase, "which motion shall require a two-thirds vote for its passage."

The amendment was adopted.

Question then recurring on Rule VIII of the report, as amended, it was adopted.

(Mr. Rhodes in the Chair.)

Mr. Hardeman offered the following amendment to Rule IX of the report:

Amend proposed Rule IX by substituting therefor Rule X of the Rules of the 45th Legislative Manual.

HARDEMAN, DANIEL, ISAACKS.

(Speaker in the Chair.)

Mr. Alsup moved to table the amendment by Mr. Hardeman.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas-92

Hartzog

Hileman

Howard Howington

Hughes

Humphrey

Kennedy

Hoyo

Helpinstill

Henderson

Ällen Allison Alsup Anderson Bailey Baker Bell Benton Blankenship Boone Brawner Bridgers Brown Bullock Burkett Cato Celaya Chambers Clark Cleveland Coker Colson, Mrs. Connelly Craig Crossley Crosthwait Deen

Kersey Kinard King Knight Lock Love Lowry Lucas McAlister Manning Markle Martin Matthews Montgomery Moore Morgan Morse Murray

Dickson of Bexar
Dove
Dove
Nicholson
Parker
Phillips
Eubank
Price
Evans
Reed of Bowie
Favors
Ridgeway
Ferguson
Roark

Ferguson Roark
Files Roberts
Fitzgerald Shell
Fuchs Smith of Bastrop
Gandy Smith of Atascosa

Garland Spangler
Gilmer Stinson
Goodman Taylor
Halsey Turner
Hanna Vale

Hargis Weatherford Harris of Dallas Winfree

Nays-56

Avant
Bean
Bray
Bruhl
Bundy
Burnaman
Carlton
Carrington
Daniel
Davis
Dickson of Nolan

Donald
Duckett
Hardeman
Harris of Hill

Heflin
Hobbs
Huddleston
Huffman
Hutchinson
Isaacks
Jones

Pevehouse Kelly Klingeman Rampy Lansberry Reed of Dallas Lehman Rhodes Leyendecker Sallas Little. Senterfitt Lyle Sharpe McCann Simpson McDonald Skiles McGlasson Spacek McLellan Stanford McNamara Stubbs McMurry Voigt Manford Walters Mills Wattner Morris White Pace Whitesides

Absent-Excused

Thornton

Question then recurring on Rule IX of the report, it was adopted.

Rules X to XXX inclusive were Allen then severally adopted. Alliso

Mr. Alsup offered the following amendment to the report:

Amend the proposed Rules by striking out Section 13 of Rule VIII, and inserting in lieu thereof Section 13 of Rule IX of the Rules of the Forty-fifth Legislature.

The amendment was adopted.

Mr. Alsup offered the following amendment to the report:

Amend the proposed Rules by striking out the word "not" in the last line of Section 19 of Rule VIII.

The amendment was adopted.

Mr. Alsup offered the following amendment to the report:

Amend the proposed Rules at Section 9, Rule XI, line 3 of Section 9, by inserting the words "of the" after the word "verification" and before the word "vote."

The amendment was adopted.

Mr. Morris moved to reconsider the vote by which the amendment by Mr. Love to Rule No. VIII of the report was adopted.

Mr. Love moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion by Mr. Morris, it prevailed.

The amendment by Mr. Love was then lost.

Mr. Alsup moved that the proposed Rules, as amended, be adopted.

Mr. Sharpe moved that the Rules of the House of Representatives of the Forty-fifth Legislature be adopted as Permanent Rules of the House of the Forty-seventh Legislature.

Mr. Smith of Atascosa moved to table the motion by Mr. Sharpe.

The motion to table prevailed.

The proposed Rules, as submitted in the report of the committee appointed to study and revise same, as amended, were then adopted by the following vote:

Yeas—139

Ellis Allison Eubank Alsup Evans Anderson Favors Avant Ferguson Bailey Files Baker Fitzgerald Bean Fuchs Bell Gandy Benton Garland Blankenship Gilmer Boone Goodman Brawner Halsev Bray Hanna Bridgers Hardeman Brown Hargis Bullock Harris of Dallas Bundy Harris of Hill Burkett Hartzog Heflin Carlton Carrington Helpinstill Cato Henderson Celaya Hileman Chambers Howard Clark Howington Cleveland Hovo Coker Huddleston Colson, Mrs. Huffman Connelly Hughes Craig Humphrey Hutchinson Crossley Crosthwait Isaacks Jones Daniel Deen Kelly Dickson of Bexar Kennedv Dickson of Nolan Kersey Kinard Donald King Dove

Klingeman

Dwver

Knight Pevehouse Lansberry Phillips Lehman Price Leyendecker Rampy Little Reed of Bowie Lock Reed of Dallas Love Ridgeway Lowry Roberts Lucas Rhodes Lyle Sallas McAlister Senterfitt McDonald Shell McGlasson Skiles McLellan Smith of Bastrop McMurry Smith of Atascosa McNamara Spacek Manford Spangler Manning Stanford Markle Stinson Martin Stubbs Matthews Taylor Mills Turner Montgomery Vale Moore Voigt Morgan Walters Morris Wattner Morse Weatherford Murray White Nicholson Whitesides Pace Winfree

Nays-8

McCann Burnaman Davis Roark Duckett Sharpe Hobbs Simpson

Present-Not Voting

Bruhl

Parker

Absent—Excused

Thornton

Mr. Smith of Atascosa moved to reconsider the vote by which the proposed Rules were adopted and to table the motion to reconsider.

The motion to table prevailed.

COMMENDING THE MOTION PICTURE INDUSTRY

Mr. Phillips offered the following resolution:

H. S. R. No. 80, Commending the Motion Picture Industry.

Motion Picture Producers and Distributors of America, Inc., as a patriotic contribution to the National Defense Program; and

Whereas, Said "Land of Liberty" has been viewed by a large majority of the Members of the House of Representatives at a special premiere screening and found to be a factual, entertaining and deeply inspirational pageant of America's heroic progress; and

Whereas, Said "Land of Liberty" will be shown in virtually all Texas theatres on a non-profit basis, and all sales profits accruing from public showings of the film will be donated to war emergency welfare work:

Now, therefore, be it resolved by House of Representatives Texas that the motion picture industry and the theatres of Texas be congratulated upon this well-timed contribution to the building of national morale and revival of the American spirit; and be it further

Resolved, That the motion picture industry and the theatres of Texas be commended for outstanding patriotism and loyalty in making this epic production available to the people of Texas on the basis of contributing to the Nation's war emergency welfare work; and be it further

Resolved, That a copy of this resolution be forwarded under the seal of the House of Representatives to the President of the Motion Picture and Producers Distributors America, Inc., and a copy to Metro-Goldwyn-Mayer Distributors poration of Texas.

> PHILLIPS, MARKLE. McCANN. KERSEY.

The resolution was read second time and was adopted.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due Whereas, "Land of Liberty," a notice thereof and their captions had cavalcade of American history, was produced and is sponsored by the enrolled resolutions: H. C. R. No. 17, Extending Congratulations to Hon. Sam Rayburn.

H. C. R. No. 19, Inviting Major General Paul B. Malone to address the Legislature.

H. C. R. No. 15, Recalling H. C. R. No. 11 from the Senate.

ADJOURNMENT

Mr. Taylor moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Huffman moved that the House recess until 2:30 o'clock p. m. today.

The motion to adjourn prevailed and the House accordingly at 12:20 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, January 28, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 17, Extending congratulations to the Honorable Sam Rayburn, Speaker of the National House of Representatives.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, January 27, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 19, Inviting Major General Paul B. Malone to address a Joint Session of the House and Senate.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, January 27, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on En-Carri rolled Bills, to whom was referred Cato

H. C. R. No. 18, Granting permission to the House of Representatives and the Senate to adjourn from Thursday, January 23rd, to Monday, January 27th.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, January 27, 1941. Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 15, Recalling House Concurrent Resolution No. 11 from the Senate.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

ELEVENTH DAY

(Wednesday, January 29, 1941)

The House met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker Celaya Allen Chambers Allison Clark Alsup Cleveland Anderson Coker Avant Colson, Mrs. Bailey Connelly Baker Craig Bean Crosslev BellCrosthwait Benton Daniel Blankenship Davis Boone Deen Brawner Dickson of Bexar Bray Dickson of Nolan Bridgers Donald Brown Dove Bruhl Duckett Bullock Dwyer Bundy Ellig Burkett Eubank Burnaman Evans Carlton Favors Carrington Ferguson Files